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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,866	08/31/2001	Michinobu Mizumura	16869P-031900US	2789

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EXAMINER

NGUYEN, HOAN C

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

NOTICE OF NON-RESPONSIVE AMENDMENT

Response to Amendment

The reply filed on October 14, 2003 is not fully responsive to the prior Office Action because of the following matter (See 37 CFR 1.111):

The amendment filed on June 2, 2003 amends independent claims 1, 4, 11 and 13, and presenting ALL claims drawn to an invention having different Species than the Species of first Embodiment (Figs. 1-2) originally elected in paper 8 (See Attachment).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, amended independent claims 1, 4, 11 and 13 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Therefore, there are no claims left for examining in this application.

A request for continuing examination would be proper in order for the subject matters recited in the amended claims 1, 4, 11 and 13 be examined.

Amended claims 1, 4, 11 and 13 are directed to an invention that is independent or distinct from the Species originally elected for the following reasons: Amended claims 1, 4, 11 and 13 now include a limitation "forming an insulating layer to cover a region at the location of the shorting defect, then *cutting the portion containing the intersection between the scan line and signal line where the shorting defect is located with a laser beam; forming an insulation film locally at the cut to repair the shorting defect*", which was not originally elected in Species of first embodiment (Fig. 1-2). Moreover, Step of "forming an insulating layer to cover a region at the location of the shorting defect" **before of steps of** "*cutting the portion containing the intersection; and forming an insulation film locally at the cut to repair the shorting defect*" is rather depicted in Species of second embodiment (Figs. 3-4), which is not original elected.

As originally elected, the Examiner has considered and examined only the originally elected claims, which have only *cutting the portion containing the intersection between the scan line and signal line where the shorting defect is located with a laser beam; forming an insulation film locally at the cut to repair the shorting defect*".

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, amended claims 3, 6

and new claims 13-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Furthermore, in previous Response to Election of Species Requirement on 2/21/2003, applicant's election without traverse of Species of first embodiment (claims 1-7, 11 and 12-15) in Paper No. 16 is acknowledged. Applicant cancelled claims 1, 2, 4, 5 and 9-11 in Paper No. 17 (2/17/2003).

Since claim 7 depends on claim 6, therefore, it also is withdrawn from consideration as being directed to a non-elected invention of claim 6.

Conclusion


Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOAN C. NGUYEN whose telephone number is (703) 306-0472. The examiner can normally be reached on MONDAY-THURSDAY:8:00AM-4:30PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.

HOAN C. NGUYEN
Examiner
Art Unit 2871

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November 21, 2003


ROBERT H. KIM
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